

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CENTRAL KENTUCKY CELLULAR )	
TELEPHONE COMPANY FOR ISSUANCE OF A )	
CERTIFICATE OF PUBLIC CONVENIENCE AND )	
NECESSITY TO CONSTRUCT AN ADDITIONAL )	CASE NO. 92-104
CELL FACILITY IN THE LOUISVILLE, )	
KENTUCKY METROPOLITAN STATISTICAL )	
AREA (DOWNTOWN CENTRAL-BREWERY CELL )	
FACILITY) )	

O R D E R

On March 18, 1992, Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Louisville Metropolitan Statistical Area ("Louisville MSA"). The Louisville MSA includes Bullitt, Jefferson, and Oldham counties in Kentucky. Central Kentucky Cellular has requested authorization to construct a cell site in Jefferson County, Kentucky. Central Kentucky Cellular was previously granted authority to operate a cellular radio telecommunications system in the Louisville MSA in Case No. 10169.<sup>1</sup>

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<sup>1</sup> Case No. 10169, The Application of Louisville Cellular Telephone Company, Bluegrass Cellular Telephone Partners and Central Kentucky Cellular Telephone Company for Approval of the Transfer of Ownership and Control of the Public Service Businesses of Louisville Cellular Telephone Company and Bluegrass Cellular Telephone Partners to Central Kentucky Cellular Telephone Company.

The proposed cell site consists of a monopole, with attached antennas, not to exceed 163 feet in height to be located at 1600 Distillery Commons, Louisville, Jefferson County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 15' 01" by West Longitude 85° 43' 31".

Central Kentucky Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Central Kentucky Cellular has notified the Louisville and Jefferson County Planning Commission of the proposed construction. Central Kentucky Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. Both applications are pending. No approvals from the Federal Communications Commission were required for the proposed cell site.

Central Kentucky Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the proposed cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner

and/or resident of their right to intervene. Numerous protest letters were received including two requests for full intervention. Central Kentucky Cellular was required to respond to the issues presented by each of the protestors and intervenors through separate Orders. Lisa Santos and Stephen Houser were granted full intervention in this proceeding by Orders dated April 29, and June 15, 1992, respectively. A major concern of several protestors and intervenors was the proposed access to the cell site from Hull Street. Because of these objections Central Kentucky Cellular arranged with the owner of the Distillery Commons complex to use other access to the cell facility. On June 29, 1992, Central Kentucky Cellular filed a revised site development plan showing the relocated access easement from Payne Street. As a result of discussions with Central Kentucky Cellular and the relocation of the access to the proposed cell site, both intervenors and one protestor withdrew their objections to the construction of the proposed cell site.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Central Kentucky Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Louisville MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

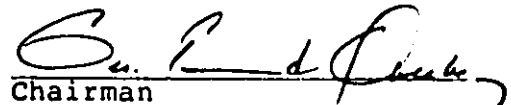
1. Central Kentucky Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna monopole, not

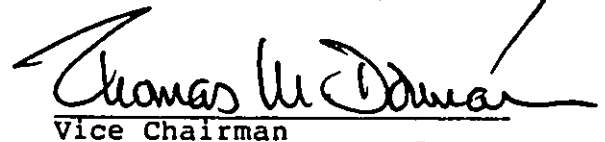
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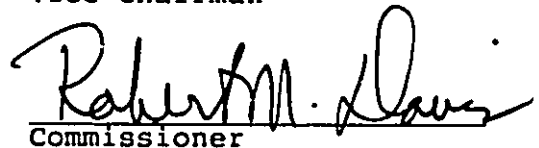
2. Central Kentucky Cellular shall file copies of the final decisions regarding their pending FAA and KAZC applications for this cell site construction, within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 21st day of August, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director